

ORDINANCE NO. 8-20B

AN ORDINANCE PROHIBITING THE PLACEMENT, DEPOSIT, DISCARDING OR DUMPING OF BRUSH CUTTINGS, CLIPPINGS, LEAVES, RUBBISH OR ANY DETRITUS ON ANY STREET OR OTHER PUBLIC RIGHT-OF-WAY IN THE CITY OF DEVINE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING THE VIOLATION OF SUCH ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE UPON CONVICTION BY A FINE OF NOT LESS THAN \$10.00 NOR MORE THAN \$500.00; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS: The City of Devine is a Type A city under the general laws of the State of Texas; and,

WHEREAS: Texas Transportation Code Section 311.002 (1999) authorizes any city incorporated under the General Laws of the State of Texas to regulate the use of its streets; and,

WHEREAS: Chapter 217 of the Texas Local Government Code authorizes Type A General Law cities to define, declare and abate nuisances; and,

WHEREAS: The City Council of the City of Devine has determined that the placement, deposit, discarding or dumping of brush cuttings, clippings, leaves, rubbish or any detritus in any street in the City of Devine constitutes a nuisance; and,

WHEREAS: The Texas Local Government Code, Section 51.001 authorizes the governing body of a municipality to adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEVINE, TEXAS:

SECTION 1. Violation.

A. A person commits an offense if he places, deposits, discards or dumps any brush cuttings, clippings, leaves, rubbish or any detritus in any street or other public right-of-way in the City of Devine.

B. A person commits an offense if he causes or allows to be placed, deposited, discarded or dumped any brush cuttings, clippings, leaves, rubbish or any detritus in any street or other public right-of-way in the City of Devine.

SECTION 2. Penalty. Each violation of this Ordinance shall be punishable by a penalty of a fine of not less than \$10.00 nor more than \$500.00 for each offense.

SECTION 3. Code of Ordinances. It is the intention of the City Council that this Ordinance shall

become a part of the Code of Ordinances of the City of Devine and may be renumbered and codified therein accordingly.

SECTION 4. Repeal. Any provision in the Code of Ordinances of the City of Devine that conflicts with this ordinance is hereby repealed.

SECTION 5. Effective Date. This ordinance shall take effect immediately upon its passage, approval and official publication as provided by law.

SECTION 6. Severability. If any section, provision, subdivision, clause or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part or provision contained herein.

PASSED, APPROVED AND ADOPTED at the Regular meeting of the Devine City Council held on the 18th day of August, 2020.



CORY THOMPSON, MAYOR

ATTEST:



DORA V. RODRIGUEZ, CITY SECRETARY

